

REMARKS

Entry of the foregoing, reexamination and reconsideration of the above-identified application, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested.

Status

Prior to the instant Amendment and Reply Pursuant To 37 C.F.R. § 1.112, Claims 51-63 were pending. *See Official Action Mailed April 9, 2007, Office Action Summary, Item 4.* Claims 51-63 stand rejected. *Id. at Item 6.*

Summary of Claim Amendments

By the foregoing claim amendments, Applicants have canceled Claims 51-63 without prejudice or disclaimer to Applicants filing one or more continuing applications directed to the previously-presented subject matter. Applicants have also added new Claims 88-123.

Claims 88-123 mirror those claims that will issued in allowed U.S. Patent Application Serial No. 09/656,084 ("the '084 application"). The instant application is a continuation of U.S. Patent Application Serial No. 10/073,256 (now abandoned), which is a continuation-in-part of the '084 application. Support for new Claims 88-123 may be found throughout the Specification and in original Claims 1-9 and 38-50. Accordingly, no new matter has been added.

Rejections Under 35 U.S.C. § 101

Claims 51-63 were rejected under 35 U.S.C. § 101 as purportedly drawn to non-statutory subject matter. *See Official Action Mailed April 9, 2007, Pages 2-3.* This rejection is respectfully traversed.

Not to acquiesce in the Examiner's rejection, but solely to expedite prosecution, Applicants have canceled Claims 51-63 and have added new Claims 88-123. New Claims

88-123 mirror those claims that will issued in the allowed '084 application. At least because the allowed claims in the '084 application, after which new Claims 88-123 are mirrored, have been deemed to satisfy 35 U.S.C. § 101, Applicants believe new Claims 88-123 will similarly satisfy 35 U.S.C. § 101.

Accordingly, Applicants request withdrawal of the 35 U.S.C. § 101 rejection.

Rejections Under 35 U.S.C. § 112, Second Paragraph – Indefiniteness

Former Claims 51-63 were rejected under 35 U.S.C. § 112, Second Paragraph, as purportedly indefinite. *Official Action Mailed April 9, 2007, Pages 3-4*. These rejections are respectfully traversed.

Not to acquiesce in the Examiner's rejections, but solely to facilitate prosecution, Applicants have canceled Claims 51-63 and have added new Claims 88-123. New Claims 88-123 mirror those claims that will issued in the allowed '084 application. At least because the allowed claims in the '084 application, after which new Claims 88-123 are mirrored, have been deemed to satisfy 35 U.S.C. § 112, Second Paragraph, Applicants believe new Claims 88-123 will similarly satisfy 35 U.S.C. § 112, Second Paragraph.

Accordingly, Applicants request withdrawal of the 35 U.S.C. § 112, Second Paragraph, rejection.

Rejections Under 35 U.S.C. § 103(a) – Hoe In View Of GenBank AJ224764

Claims 51-63 were rejected under 35 U.S.C. § 103(a) as purportedly obvious over Hoe *et al.*, “*Rapid Molecular Genetic Subtyping of Serotype M1 Group A Streptococcus Strains*,” 5 EMERGING INFECTIOUS DISEASES 254-263 (1999) (“Hoe”) in view of GenBank Accession No. AJ224764 (“GenBank AJ224764”). *Official Action Mailed April 9, 2007, Pages 5-8*. This rejection is respectfully traversed.

Not to acquiesce in the Examiner's rejections, but solely to facilitate prosecution, Applicants have canceled Claims 51-63 and have added new Claims 88-123. Accordingly, Applicants believe the rejection of Claims 51-53 over Hoe in view of GenBank AJ224764 has been rendered moot and respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection.

Rejections Under 35 U.S.C. § 103(a) – Hoe

Claims 51-63 were rejected under 35 U.S.C. § 103(a) as purportedly obvious over Hoe. *Official Action Mailed April 9, 2007, Pages 8-11*. This rejection is respectfully traversed.

Not to acquiesce in the Examiner's rejections, but solely to facilitate prosecution, Applicants have canceled Claims 51-63 and have added new Claims 88-123. Accordingly, Applicants believe the rejection of Claims 51-53 over Hoe has been rendered moot and respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection.

CONCLUSION

It is respectfully submitted that all rejections have been overcome by the above amendments and remarks. Thus, a Notice of Allowance is respectfully requested.


In the event that there are any questions relating to this Amendment and Reply Pursuant To 37 C.F.R. § 1.112, or to the application in general, it would be appreciated if the Examiner would contact Applicants' undersigned attorney by telephone at (202) 373-6000 so that prosecution of the application may be expedited.

The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-4047.

Respectfully submitted,
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